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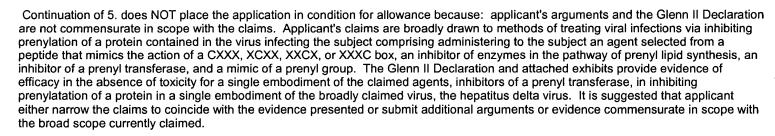
Advisory Action

Application No.	Applicant(s)	
09/687,267	GLENN, JEFFREY	
Examiner	Art Unit	
Brenda G. Brumback	1642	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 February 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

	ination (RCE) in compliance with 37 CFR 1.114.
	PERIOD FOR REPLY [check either a) or b)]
b) [The period for reply expires 6_months from the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In o event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).
fee have fee unde (2) as se	tensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension e been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension er 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or et forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if led, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).
	A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.	The proposed amendment(s) will not be entered because:
(a)	they raise new issues that would require further consideration and/or search (see NOTE below);
(b)	they raise the issue of new matter (see Note below);
(c)	they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d)	they present additional claims without canceling a corresponding number of finally rejected claims.
	NOTE:
3. 🔲 ,	Applicant's reply has overcome the following rejection(s):
4.	Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.🛛	The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6.	The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.🛛	For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
	The status of the claim(s) is (or will be) as follows:
	Claim(s) allowed:
	Claim(s) objected to:
	Claim(s) rejected: <u>13-21</u> .
	Claim(s) withdrawn from consideration:
8.	The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner.
9.	Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)
10.	Other: Filed Adultant BRENDA BRUMBACK PATENT EXAMINER



Applicant's arguments regarding the "burden of proof" issue (Ex parte Bhide) in the enablement analysis are noted; however, the general teachings of unpredictability which are found in the art and which were exemplified in the cited references provide such a reason for one skilled in the art to question enablement of in vivo therapy. Regarding applicant's arguments pertaining to human clinical trials, applicant is reminded that no such requirement has been made. In response to applicant's agument that the Gibbs reference is not supported by any testing data, absent some evidence to the contrary, the Gibbs reference appears to be a review of the state of the art. Numerous articles are referenced in Gibbs which do appear to be supported by testing data. Furthermore, applicant has not addressed the additional references which were cited in the enablement rejection.

Applicant's arguments regarding the metes and bounds of the recited mimic of a prenyl group are noted; however, the disclosure fails to teach what is encompassed within a mimic of a prenyl group and fails to provide guidance as to how the mimics can be made or administered. Applicant argues that a mimic of a prenyl group should behave as a prenyl group, but it remains unclear what defining function is to be used to determine what is encompassed within the group.